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7 DANIEL PRENDERGAST

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 DANIEL PRENDERGAST,

12 Plaintiff,

13 v.

14 ATLANTIC PACIFIC CAPITAL  
CORPORATION, a Delaware Corporation,

15 Defendant.  
16

17 ATLANTIC-PACIFIC CAPITAL INC., a  
Delaware Corporation,

18 Counterclaimant,

19 v.  
20

21 DANIEL PRENDERGAST,

22 Counterdefendant.  
23  
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Case No. C-04-2770 MEJ

**STIPULATION OF DISMISSAL  
PURSUANT TO FED. R. CIV. P.  
41(a)(1)**

Plaintiff and counterdefendant, DANIEL PRENDERGAST and Defendant and Counterclaimant ATLANTIC-PACIFIC CAPITAL INC. have reached a settlement in this matter. The parties consent to, and hereby request the immediate dismissal of this action, including all claims and counterclaims herein, with prejudice. Each party waives any right to reopen the case. The parties will bear their own costs and attorneys' fees.

Dated: August 23, 2005


JAMES J. BROSNAN  
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By: s/ Angela L. Padilla  
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Attorneys for Plaintiff and  
Counterdefendant  
DANIEL PRENDERGAST

Dated: August 23, 2005

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Counterclaimant  
ATLANTIC-PACIFIC CAPITAL INC.

**ORDER**

IT IS SO ORDERED: The Clerk of Court shall close the file.

Dated: August 24, 2005

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The Honorable Maria Elena James  
United States Magistrate Judge

